



Case Assignment (HQ-FOI-01830-12)

Monica Lewis

to:

Wanda Fields, Diane Jones-Coleman

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Hide Details

From: Monica Lewis/DC/USEPA/US@EPA

To: Wanda Fields/DC/USEPA/US@EPA, Diane Jones-Coleman/DC/USEPA/US@EPA

Details: Request Type : FOIA Requested By : Wright, E. Robert Requested Date : 08/01/2012 Primary
User : Jones, Diane Comments:

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To protect and restore California Rivers by influencing public policy and inspiring citizen action.

FRIENDS OF THE RIVER

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ETPA

10-FOIA-00385-12

August 1, 2012

National Freedom of Information Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW 2822T
Washington, DC 202460

VIA Mail, FAX, & email

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act (5 U.S.C. 552) which I make on behalf of this organization, Friends of the River.

Requested Records

I request the following documents:

1. All documents constituting or including comments, objections, or suggestions made by the Environmental Protection Agency (EPA) or an officer or employee of the EPA to the Department of the Army or to the U.S. Army Corps of Engineers or to an officer or employee of the Department or Corps concerning:

(1) the *Final Draft White Paper: Treatment of Vegetation within Local Flood-Damage-Reduction Systems* which was issued by the U.S. Army Corps of Engineers on about **April 20, 2007**.

(2) the *Draft Engineer Technical Letter (ETL) 1110-2-571* establishing "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" which was issued by the U.S. Army Corps of Engineers on about **April 3, 2008**.

(3) the *Engineer Technical Letter (ETL) 1110-2-571* establishing "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" which was issued by the U.S. Army Corps of Engineers on about **April 10, 2009**.

OTHER

(4) the Policy Guidance Letter entitled *Process for Requesting a Variance From Vegetation Standards for Levees and Floodwalls*, published at 75 Fed. Reg. 6364 by the U.S. Army Corps of Engineers on about **February 9, 2010**.

(5) the draft environmental assessment (EA) referenced in the Policy Guidance letter referenced in (4) above, issued by the U.S. Army Corps of Engineers on about **February 9, 2010**.

(6) the Policy Guidance Letter entitled *Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls* published at 77 Fed. Reg. 9637 by the U.S. Army Corps of Engineers on about **February 17, 2012**.

(7) the draft environmental assessment (EA) referenced in the Policy Guidance letter referenced in (6) above, issued by the U.S. Army Corps of Engineers on about **February 17, 2012**.

2. All documents constituting or including communications made by the Department of the Army or the U.S. Army Corps of Engineers or an officer or employee of the Department or Corps to the EPA or an officer or employee of the EPA concerning items (1), (2), and/or (3) above.

3. All documents constituting or including replies or responses made by the Department of the Army or the U.S. Army Corps of Engineers or an officer or employee of the Department or Corps to the EPA or an officer or employee of the EPA to comments, objections, or suggestions made by the EPA or an officer or employee of the EPA concerning items (1), (2), (3), (4), (5), (6), and/or (7), above.

Information to Assist you in Responding to this Request

The EPA likely has files and documents on the levee vegetation issue. Removal of levee vegetation has water quality impacts. I hope this information is of assistance to you in finding requested records.

Request for Fee Waiver

I request a waiver of all fees under the Freedom of Information Act. This Freedom of Information Act Request meets the criteria for a fee waiver under 5 U.S.C. 552(a)(4)(A)(iii). The information sought is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not in a commercial interest.

Specifically, this organization, Friends of the River, is a non profit public interest organization devoted to protection of our rivers. This organization has no commercial interest of any kind in the matters on which information is requested. The subject matter of this Request concerns operations or activities of the government. The Army Corps has been acting since 2007 or earlier to change the environmental status quo and remove habitat essential for threatened and endangered species by requiring the removal of all trees and shrubs from the nation's levees and prohibiting any vegetation other than grass in the future. The information requested will contribute to public understanding of the environmental impacts and impacts to riparian habitat

for endangered and threatened species likely to result from the ongoing program by the Army Corps to eliminate levee vegetation throughout the nation. Because of the expertise of the EPA on water quality and other environmental issues, comments by your officers and employees are essential to understanding by the public and by our organization of the issues raised by the Army Corps' program to remove levee vegetation. The information requested likely raised issues under the Endangered Species Act and the National Environmental Policy Act which are both environmental full disclosure statutes. Thus disclosure of the requested information will be of great significance to public understanding of the environmental and habitat issues raised by the activities of the Army Corps directing the removal and prohibition of levee vegetation.

This organization is actively participating in the commenting process on the Army Corps' vegetation removal program. We will cause the posting of information received on public web sites to ensure that the information is disseminated to the public including news, non profit, and environmental, scientific and educational organizations that have an interest in insuring that decisions about retaining or instead removing and prohibiting levee vegetation are based on sound science and expert opinion, and satisfy the requirements of the Endangered Species Act and the National Environmental Policy Act.

Conclusion

Please furnish the requested documents pursuant to the Freedom of Information Act. Please call me if you have any questions about this Request. My direct line is: (916) 442-3155 ext 207. My email address is: bwright@friendsoftheriver.org. I will endeavor to cooperate with you in terms of the manner in which you wish to provide the requested documents such as in electronic or hard copy and in any other way possible. I thank you in advance for your expected courtesy and cooperation in responding to this Request.

Sincerely,



/s/ E. Robert Wright

E. Robert Wright

Senior Counsel, Friends of the River